

## **EXHIBIT 6**

1 - EXCERPTED TRANSCRIPT -

2 IN THE UNITED STATES DISTRICT COURT  
3 IN AND FOR THE DISTRICT OF DELAWARE

- - -

4 WILLIE DAVIS, JR., : CIVIL ACTION  
5 NATHANIEL BRIDDELL, GEORGE :  
6 W. FEDDIMAN, JOSEPH :  
GARRISON, LARRY E. GIBBS :  
and ROY H. WALTERS, :

7 ALL SIMILARLY-SITUATED :  
8 CURRENT AND FORMER :  
9 EMPLOYEES OF MOUNTAIRE :  
FARMS, INC., MOUNTAIRE :  
10 FARMS OF DELMARVA, INC., :  
and MOUNTAIRE FARMS OF :  
DELAWARE, INC., :

11 Plaintiffs, :

12 vs. :

13 MOUNTAIRE FARMS, INC., :  
14 MOUNTAIRE FARMS OF :  
DELMARVA, INC., and :  
MOUNTAIRE FARMS OF :  
15 DELAWARE, INC. All Delaware :  
corporations, :

16 Defendants. : NO. 04-0414 (SLR)

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18  
19 Wilmington, Delaware  
20 Thursday, August 7, 2008  
8:35 o'clock, p.m.

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22 BEFORE: HONORABLE SUE L. ROBINSON, U.S.D.C.J., and a jury

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24 Valerie J. Gunning  
25 Official Court Reporter

1 APPEARANCES:

2  
3 MARTIN & WILSON, P.A.  
4 BY: JEFFREY K. MARTIN, ESQ. and  
5 TIMOTHY J. WILSON, ESQ.

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8 Counsel for Plaintiffs

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12 CONNOLLY, BOVE, LODGE & HUTZ, LLP  
13 BY: MATTHEW F. BOYER, ESQ.

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15  
16 -and-

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18 SHAW & ROSENTHAL  
19 BY: ARTHUR M. BREWER, ESQ. and  
20 ERIC HEMMENDINGER, ESQ.  
21 (Baltimore, Maryland)

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24 Counsel for Defendants

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1 (REPORTER'S NOTE: The following is an excerpted  
2 transcript.)

3 MR. MARTIN: Your Honor, I just had a couple  
4 other housekeeping matters to address to the Court.

5 One is with regard to closing argument, I  
6 believe that, and I'm just confirming with the Court, that I  
7 will be able to use any written interrogatory responses or  
8 requests for admissions as part of my presentation that have  
9 been completed by defense counsel?

10 THE COURT: Well, I've never had them used in  
11 closing when they have not been introduced as evidence.

12 MR. MARTIN: Well, your Honor, I had a  
13 particular problem in that the verification for these things  
14 was done by Phil Owen, and, you know, I could not get them  
15 in through Mr. Wilson yesterday, who stood up there in Mr.  
16 Owen's place.

17 THE COURT: I kind of thought they were court  
18 records and didn't need to come in. In other cases, they  
19 are the exception of having -- they are not really -- I  
20 don't necessarily need them to come through a witness. You  
21 can stand up and read them, if you want to.

22 My only concern is interrogatory answers  
23 generally are preceded by so many objections, I would want  
24 to see, and I would certainly want defense counsel to see  
25 what you intended. Admissions certainly are admissions and

1 can come in. Interrogatories, generally I have a problem  
2 with. They can always be used as impeachment, but as just  
3 an admission itself, I'm not confident how that works.

4 So if you've got interrogatories, I want to  
5 review them. I certainly want defense counsel to review  
6 them. Admissions, you should read into the record.

7 MR. MARTIN: Could they be used to also -- also  
8 with the Elmo to present to the jury?

9 (End of excerpted transcript.)

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1 (REPORTER'S NOTE: The following is an excerpted  
2 transcript.)

3 (Sidebar conference held as follows.)

4 THE COURT: Two things. Mr. Martin, we had had  
5 a discussion about your reading admissions or  
6 interrogatories into the record.

7 MR. MARTIN: Yes.

8 THE COURT: I take it you purposely have not  
9 done that?

10 MR. MARTIN: No, your Honor. Well, I said that  
11 was going to be done in-camera.

12 THE COURT: It does not have anything to do with  
13 the issues that the jury has?

14 MR. MARTIN: Yes, they do.

15 THE COURT: Well --

16 MR. MARTIN: And I have them and I can read them  
17 in right now.

18 THE COURT: What I said was, before the record  
19 closes, that any requests for admissions can be simply read.  
20 I don't have to review them. It was the answers to  
21 interrogatories that I would want to review before you did  
22 that.

23 MR. MARTIN: Okay.

24 THE COURT: And I have not seen those.

25 MR. MARTIN: Okay.

1 THE COURT: So I mean if you have some, and I  
2 expected you to confer with counsel so that we can finish  
3 this up.

4 MR. MARTIN: May we have a few minutes to do  
5 that, your Honor? I mean, it's early in the day. It's  
6 2:30.

7 THE COURT: All right.

8 MR. MARTIN: And I appreciate the Court's -- I  
9 thought I was just going to do that in-camera, for purposes  
10 of the closing, and I apologize. I misunderstood.

11 THE COURT: No. It's got to be part of the  
12 record. It can't be done just in closing.

13 MR. MARTIN: Okay.

14 THE COURT: So I will send the jury into the  
15 jury room for 15 minutes while we finish this up.

16 The other thing I wanted to tell you is, under  
17 my standard practice, no matter how many hours you have  
18 left, I only give you two for your closing, because jurors'  
19 eyes start glazing over.

20 MR. MARTIN: Two -- two meaning --

21 THE COURT: No. Each. Two hours. Each two  
22 hours.

23 MR. MARTIN: Your Honor, I can't imagine doing a  
24 closing --

25 THE COURT: Well, you have not sat through some

1 of my patent cases.

2 MR. MARTIN: Patent cases, yes.

3 THE COURT: I just wanted to make sure, because  
4 you all have multiple hours left. I just wanted to make  
5 that we did not need to go forward with closing today.

6 MR. MARTIN: I can't imagine I would be more  
7 than 45 minutes.

8 THE COURT: Well, part of it is because we  
9 weren't as careful of keeping track of the evidentiary  
10 issues. I will send the jury back 15 minutes while we  
11 straighten out this last bit.

12 (End of sidebar conference.)

13 (End of excerpted transcript.)

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